

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
DOCKET NO. 5:11CR30**

UNITED STATES OF AMERICA

vs.

JOSEPH CATONE, JR.

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ORDER

THIS MATTER is before the Court following the Fourth Circuit's order remanding this matter for further proceedings. (Doc.No.67) The Defendant filed an appealed on September 6, 2013, for his conviction, his sentence of imprisonment, and the Court's restitution order. The Fourth Circuit affirmed Defendant's conviction vacated his sentence and the restitution order and remanded for further proceedings on October 15, 2014.¹ Defendant was originally sentenced to sixteen (16) months for Count 1, for fraud to gain federal employee compensation in violation of 18 U.S.C. § 1920, and \$106,411.83 restitution. Defendant was allowed to self-report to the Bureau of Prisons within 90 days, but not more than 120 days from his sentencing date of September 3, 2013 or such further time as designated by the Bureau of Prisons. Defendant reported to the Bureau of Prisons on January 29, 2014, and has been incarcerated since that time.

In light of the Fourth Circuit's order and the Unopposed Motion For Immediate Release Pending Resentencing (Doc. No. 70), the Court VACATES the judgment and commitment as to Defendant Joseph Catone, Jr. (Doc. No. 48) and ORDERS the immediate release of the Defendant on presentence bond. The Court will impose the same terms and conditions of release as previously set forth, and within seventy-two (72) hours of release, Defendant is DIRECTED to report to the U. S. Probation

¹ The Mandate from the Fourth Circuit was filed on October 20, 2014.

Office in the Western District of North Carolina. The resentencing in this matter has been scheduled for December 3, 2014 at 2:00 PM, at the Statesville Courthouse in Statesville, North Carolina.

The Clerk is directed to certify copies of this Order to the Federal Bureau of Prisons, U.S. Probation Office, the U.S. Marshals Service, the United States Attorney's Office, Defendant's counsel, and the Fourth Circuit case manager.

IT IS SO ORDERED.

Signed: October 21, 2014

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

